IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4682 OF 2005

Jayshree Co-op. Hsg.Society Ltd., ..Petitioner.
Kolhapur.

Versus

The Divisional Joint Registrar ..Respondents.
Co-op.Societies, Kolhapur Region,
Kolhapur & Ors.

Mr. H.S. Venegavkar for the Petitioner.
Mr. A.H. Palekar AGP Respondents.

CORAM : S. A. BOBDE, J.

DATED : 21TH JULY, 2005.

P.C.:

1. Rule, returnable forthwith.

2. Mr. Palekar, learned AGP waives service of rule for the Respondents.

3. Heard by consent.

4. Admittedly, the petitioner’s Appeal, against the removal, under section 78 of the Maharashtra Co-operative Society Act, 1960, is pending. The petitioner preferred a stay application, which was before the appellate authority on 12.07.2005, but it has been adjourned to 09.08.2005. The petitioner’s grievance is that in the meanwhile, the order dated 28.06.2005 would take effect and might render the Appeal infructuous. According, to the learned counsel for the petitioner, therefore, it was necessary for the appellate authority to pass some order on the stay application.

5. Having heard the learned counsel for the petitioner and the learned AGP, I consider it appropriate to pass the following order :-

ORDER

i. The petitioner’s Appeal shall be decided within a period of one month from the date the parties

appear before appellate authority.

ii. Parties are directed to appear before the appellate authority on 1st August, 2005.

iii. In the meanwhile, the respondents state, that they shall not take any action in pursuance of the order dated 10.06.2005.

iv. Petition is disposed of in the above terms.

Dt. 21.07.2005 (S.A. BOBDE,J.)

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